

APPLICANT(S): ROTH, Shmuel
SERIAL NO.: 10/566,628
FILED: February 1, 2006
Page 6

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1, 3-7, 10-20 and 22 are pending in the application.

Claims 2 and 21 were withdrawn from consideration.

Claims 8, 9 and 23 have been cancelled.

Claims 1, 3-20, 22 and 23 have been rejected.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 3-20, 22 and 23 under 35 U.S.C. § 102(a), as being unpatentable over Tomita et al. (US Patent Application Publication No. 2004/0130682). Applicants respectfully traverse the rejection as follows:

Section 102(a) states that a person shall be entitled to a patent unless "the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent."

In this case, the Examiner has cited the Tomita reference as prior art under Section 102(a). The Tomita reference, US Patent Application Publication No. 2004/0130682, was published **July 8, 2004**.

APPLICANT(S): ROTH, Shmuel
SERIAL NO.: 10/566,628
FILED: February 1, 2006
Page 7

The provisional patent application from which the present application takes priority is US Provisional Patent Application No. 60/491,965, filed **August 4, 2003**. The filing of a patent application in the United States demonstrates, at least constructively, a reduction to practice of the invention.

Accordingly, the Tomita reference is not prior art under Section 102(a), because it was not patented or described in a printed publication in this or a foreign country, before the invention thereof by Applicants.

Nor does the Tomita reference qualify as prior art under Section 102(e). The first filing date of the Tomita reference for purposes of Section 102(e) is the filing of the US patent application, on **October 22, 2003**. However, this, too, is after the earliest filing date of the present application, i.e., **August 4, 2003**.

Accordingly, claims 1, 3-20, 22 and 23 are allowable over the art of record.

In the Office Action, the Examiner rejected claims 8, 9 and 23 under 35 U.S.C. § 102(a), as being unpatentable over Roddy et al. (US Patent Application Publication No. 2004/0070736). Claims 8, 9 and 23 have been cancelled, rendering the Examiner's rejection moot.

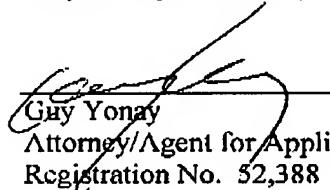
APPLICANT(S): ROTII, Shmuel
SERIAL NO.: 10/566,628
FILED: February 1, 2006
Page 8

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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Dated: August 20, 2007

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